

cape Council for American Private Education outlook

"Voice of the Nation's Private Schools"

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Council Members: American Montessori Society • Association of Military Colleges and Schools of the U.S. • Christian Schools International • Evangelical Lutheran Church in America • Friends Council on Education • Lutheran Church-Missouri Synod • National Association of Episcopal Schools • National Association of Independent Schools • National Catholic Educational Association • National Society for Hebrew Day Schools • Seventh-day Adventist Board of Education, K-12 • Solomon Schechter Day School Association • U.S. Catholic Conference • Affiliated State Organizations in 30 States

School Choice Bill in Senate

When Senate Republicans rolled out their legislative agenda for the current Congress, the first numbered bill on the docket dealt with school choice. In announcing S.1, the *Safe and Affordable Schools Act*, Senate Majority Leader Trent Lott called it "a comprehensive agenda for dramatic change."

Perhaps the sprawling bill's most dramatic element is a section cited as the *Student Opportunity and Safety Act*. Sure to become known as SOS, the act would enable low-income children who attend unsafe schools the chance to attend safe schools, whether public, private, or parochial. SOS would authorize \$50 million in FY 1998 to establish 20 to 30 school choice demonstration projects across the country.

The projects would work like this: Students attending high-poverty schools

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Title 1 — Take 2 High Court to Revisit *Felton* Decision

In prelude to what could be a landmark pronouncement on church-state relations, the U.S. Supreme Court agreed last month to consider overruling its 1985 decision prohibiting public school teachers from delivering Title 1 services on the premises of parochial schools.

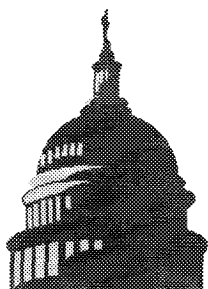
Last fall the City of New York asked the High Court to reconsider its 1985 ruling in *Aguilar v. Felton*, citing the millions of dollars spent each year on mobile vans and other post-*Felton* mechanisms — money that could otherwise be used for instructional purposes. The Clinton Administration filed a brief supporting the city's appeal.

Five justices on the current court — Rehnquist, Kennedy, O'Connor, Scalia, and Thomas — are on record supporting a reconsideration of *Felton*. Justice Scalia once said the decision should be "overruled at the earliest opportunity."

The hopeful view is that the court will use the case to refashion its labyrinthine guidelines for government assistance to students in religious schools — guidelines which, for example, allow aid for textbooks but disallow aid for classroom maps (which once caused New York Senator Patrick Moynihan to ask where the court stood on atlases, which are books of maps). Court observers note that the court today is significantly less doctrinaire when it comes to church-state issues than it was in 1985. Still, the court is not obliged by this case to take an entirely fresh look at the issue; it could just as easily decide the matter on relatively narrow grounds.

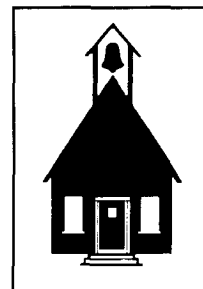
In any event, interested parties will not have to wait long to find out the court's view. The case, *Agostini v. Felton* (96-5520), will be heard in April and will likely be decided by July.

CAPE's Legislative Conference - March 11-12



CAPE's Legislative Conference provides a unique opportunity for private school supporters to learn about the important education issues being considered on Capitol Hill and then to advocate on behalf of our students and schools. This year's speakers include Secretary of Education Richard Riley and William Goodling, Chairman of the House Committee on Education and the Workforce.

To Register: Call CAPE at 301-916-8460



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with "serious crime, violence, illegal drug, and discipline problems" would be eligible for education certificates. If used in a private school, the certificates would cover tuition and fees up to the per-pupil cost of the student's public school district. Students could enroll only in private schools that:

(a) provided elementary and/or secondary education as determined under state law;

(b) did not discriminate on the basis of race, color, or national origin, and

(c) did not impose higher standards for the admission of students with certificates than for other students.

Several Purposes

Like previous school choice measures, SOS has several stated purposes. The bill text itself declares them clearly. Some examples:

- to provide children from low-income families who attend unsafe schools with the option of attending safer schools;

- to improve schools and academic programs by providing certain low-income parents with increased consumer power and dollars to choose safer and drug-free schools and programs that such parents determine best fit the needs of their children;

- to demonstrate, through a discretionary demonstration grant program, the effects of projects that provide certain low-income families with more of the same choices regarding all schools, including public, private, or sectarian schools, that wealthier families have.

School Safety

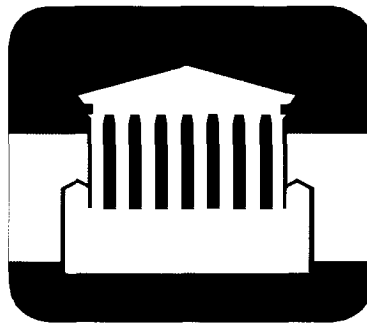
Another section of S.1, a section called the *Common Sense School Safety Act*, would amend the *Elementary and Secondary Education Act* of 1965 to allow school districts to use ESEA funds to assist children who become victims of violent crime on public school grounds. Essentially, the funds could be used to cover certain costs associated with the child attending a different school selected by the parents. If a private school were selected, allowable costs would include tuition, fees, and transportation.

Quite comprehensive in scope, S.1 also deals with issues ranging from special education spending to tax incentives for college savings.

As with any piece of legislation that seeks to enter a new frontier, S.1 will likely travel a rocky road. Still, the fact that this bill has been given such priority status within the Senate majority is a sure sign it will get prominent attention and a hard push. Fasten your seat belts.

Court Watch

- From the land of the Super Bowl Champions, Wisconsin Judge Paul Higginbotham ruled (*Jackson v. Benson* (95-CV1982)) that the state could not



expand the Milwaukee voucher program either by allowing attendance at religious schools or by increasing the number of participants beyond the original 1500-student cap. Responding to the ruling, attorneys from the Institute for Justice, which represents parents in favor of vouchers, said, "We can't wait to file our brief in appeal." Governor Tommy Thompson's lawyers have requested a fast appeal, and the hope is that the Wisconsin Court of Appeals will rule on the matter before the start of school in September.

- Here's another chapter in the already confusing story on just what services school districts are obliged to provide special education students enrolled in private schools. The U.S. Fifth Circuit Court of Appeals recently voided a district court's decision requiring a Louisiana school district to provide a sign-

language interpreter for a private school student. The case, *Cefalu v. East Baton Rouge Parish School Board* (95-31045), was sent back to the lower court for further consideration.

- In the meantime, the New York State Education Department recently issued a guidance memorandum on a decision by the U.S. Court of Appeals for the Second Circuit (NY, VT and CT) in the matter of *Board of Education of the Enlarged City School District of the City of Watervliet v. Russman by Russman* (96-776). In *Russman*, the Second Circuit ruled that the U.S. Constitution was not violated by a school district providing a teaching aide and a consultant teacher to a special education student attending a parochial school. The court further ruled that the Individuals with Disabilities Education Act (IDEA) required these particular services to be provided on site.

The NYS Education Department's memo advises school districts that in determining whether a particular special ed service must be provided on the site of a parochial school, the district should consider: (1) whether the services must be provided during school hours to be effective, (2) whether providing the services at a public school or another location is possible without disrupting the child's program, and (3) whether the provision of services at the child's school would entail significant additional costs.

Although the Second Circuit did not address the issue of constitutionality under New York State's Blaine Amendment, the Department's memo indicated that because the special education benefits in question flowed directly to the student and did not financially benefit the parochial school, "it is the Department's position that the use of State and local funds to provide special education services consistent with *Russman* is permissible under the New York State Constitution."



How Well Do Schools Involve Parents?

NCES Survey Says It Depends on the Type of School

With a mounting body of evidence indicating a relationship between parent involvement in education and student achievement, the National Center for Education Statistics recently asked parents how well their schools were involving them in their child's education.

Specifically, parents were asked how well their schools:

- (1) let them know how their child was doing,
- (2) made them aware of chances to volunteer at school,
- (3) provided information about why their child was placed in particular classes,
- (4) provided information about how to help their child with homework,
- (5) provided workshops, materials,

or advice about how to help their child learn at home.

(6) helped them understand what children at their child's age were like, and

(7) provided information on community services to help the child or family.

The NCES then compiled the average number of times parents from different school types reported any of the above practices as being done "very well," as opposed to "just o.k." or "doesn't do it at all." As it turns out, parents of children in private church-related schools reported an average of 4 practices done very well; parents of children in private non-church-related schools reported an average of 3.8; par-

ents of children in public schools chosen by the parent reported an average of 3.2, and parents of public school children

Average # of Parent-Reported School Practices Done "Very Well"	
Type of School	Mean
Public, assigned	2.8
Public, chosen	3.2
Private, not church-related	3.8
Private, church-related	4.0

assigned to the school reported an average of 2.8 practices done very well.

The NCES Report is entitled *Parents' Reports of School Practices to Involve Families* (NCES 97-327).

Who's Who Survey of High Achievers

High School Students Offer Opinions About Their School

How High-Achieving High School Students See Their School			
	Public	Private	Parochial
% Grading Their School As "Excellent"	21.3	49.6	51.0
% Saying "Most" of Their Teachers Enjoy Their Work	53.9	75.0	64.8
% Saying "Most" of Their Teachers Challenge Them to Work Hard	34.1	58.9	55.2
% Saying "Most" of Their Teachers Take a Personal Interest in Them	39.2	71.9	68.6
% Saying There are Frequent Fistfights in School Between Students	59.5	14.2	15.9
% Saying They Have Felt Unsafe At School	15.2	2.8	4.8

Source: *Who's Who Among American High School Students - 27th Annual Survey of High Achievers*

Ever wonder how high school students would grade their schools if given the chance? Well, wonder no longer. *Who's Who Among American High School Students* recently asked a select group of students not only to grade their school but also to respond to myriad other questions covering teenage attitudes and behavior. The chart on the left provides a sampler from *Who's Who's 27th Annual Survey of High Achievers*.

The annual survey was conducted among 3,370 high-achieving 16- to 18-year-old students, all of whom have an "A" or "B" average, and 98 percent of whom plan to attend college after high school graduation.

For more information call Adria Markus or Kerri Morgan at 202-667-0901.





capenotes

• At a news conference January 28, **President Clinton** previewed his proposed increases in education spending for FY '98. Generous and diverse, the President's proposals amount to more than a 10 percent raise in education spending over FY '97. His plans include:

- \$500 million for technology, nearly twice the amount allotted in the current fiscal year;

- \$620 million for Goals 2000;

- \$100 million for charter schools;

- and a \$1,500 tuition tax credit for public and private school students in grades 13 and 14.

• When President Clinton in his Inaugural Address called on Americans to "embrace a new spirit of community" and to take time out of our lives to serve others, he could easily have used **Mark Gerson** as an example. The Williams College graduate put his entrance into Yale Law School on hold in order to take a \$15,600 teaching job at an inner-city

private school in Jersey City. His just-published book about the experience, *In the Classroom*, is a discerning look at the forces that come together to make such schools work: high standards, caring teachers, a supportive community, tough discipline, and plenty of talk about topics that touch a student's soul.

• It started when 1,250 private elementary schools requested applications over the summer. Then, 140 of those schools actually submitted applications in the fall. Next, a review panel narrowed the field to 103 schools. And just recently a USDE panel of public and private educators whittled the number down to 37. That's the number of private elementary schools slated for site visits this spring as part of this year's **Blue Ribbon Schools Program**. In May, a final review of site visit reports will result in the best schools being recommended for recognition by the U.S. Secretary of Education.

• **Ohio Governor George Voinovich** announced plans to expand the Cleveland scholarship program to cover kindergarten classes each year.

• **Governor Terry Branstad** of Iowa said he intends this year to seek a doubling of the state's \$100 tuition tax credit for parents of children in private schools.

• A spirited throng of private school parents gathered February 3 at the Maryland State House in Annapolis to support textbooks, technology, and transportation for students in public and nonpublic schools. The gathering included testimony by parents struggling to make ends meet so their children might attend a school that meets their expectations and reflects their values. At the rally's finale, an armored truck delivered an oversized check representing the estimated \$800 million that private schools save Maryland taxpayers each year.

• **Oregon Governor John Kitzhaber** declared February 6 to be **Private School Appreciation Day** in Oregon. His proclamation recognizes the contributions of private schools to educational diversity and to the educational welfare of the children and youth in the state.